

DECLARATION - USA PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **OPEN-PORE METAL COATING FOR JOINT REPLACEMENT IMPLANTS AND METHOD OF PRODUCTION** the specification of which:

- (a) was filed on December 22, 2004 as Application No. 10/519,338 and was amended on December 22, 2004; and
- (b) was described and claimed in PCT International Application No. PCT/EP03/005586 filed on May 27, 2003 and was published in German on January 8, 2004 as WO 04/002544.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56;

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent, design or inventor's certificate or any PCT international application(s) listed below and have also identified below any foreign application(s) for patent, design or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed for the same subject matter having a filing date before that of the application(s) of which priority is claimed:

PRIOR FOREIGN APPLICATION(S)

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 U.S.C. § 119
GERMANY	102 28 746.5	27 June 2002	✓ YES NO <input type="checkbox"/>
GERMANY	102 43 101.9	17 September 2002	✓ YES NO <input type="checkbox"/>
PCT	PCT/EP03/005586	27 May 2003	✓ YES NO <input type="checkbox"/>

POWER OF ATTORNEY: I hereby appoint the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, Fourteenth Floor, Irvine, CA 92614, Telephone (949) 760-0404, Customer No. 20,995.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first and sole inventor: Reto Lert

Inventor's signature: *Reto Lert* Day 31 Month 05 Year 06

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Full name of first and sole inventor: Hans Schmotzer

Inventor's signature Hans Schmotzer Day 30 Month May Year 2006

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